

Court of Appeals, Division One
Criminal

1 CA-CR 15-0831

STATE v. CUNNINGHAM

Appellate Case Information

Case Filed: 21-Dec-2015
Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Michael Valenzuela, Esq. (AZ Bar No. 27375)

Side 2. KHEYLON TRISTAN CUNNINGHAM, Appellant

(Litigant Group) KHEYLON TRISTAN CUNNINGHAM

- Kheyron Tristan Cunningham

Attorneys for: Appellant

Colin F Stearns, Esq. (AZ Bar No. 27845)

CASE STATUS

Jun 22, 2016....Record Complete-Notice Completion Sent

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2013-459537-001	First Degree Murder, Class 1; Burglary in the First Degree, Class 2; Aggravated Assault, Class 3; Misconduct Involving Weapons, Class 4	Natural Life; 15 Years; 12 Years; 4.5 Years	Erin Otis, Sentencing	JURY	

OPEN DUE DATE

Answering Brief Due

Due By: Wednesday, January 4, 2017

Re: FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)

[1 extension]

51 PROCEEDING ENTRIES

- 21-Dec-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 12/17/15. Notification sent to Court Reporters dated 12/18/2015
- 24-Dec-2015 ORDERED: Affirming the appointment of the Office of Public Defense Services as counsel for appellant. FURTHER ORDERED: Transcripts due 02/08/2016. Anthony Mackey ProTem Judge - Author
- 22-Jan-2016 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 08/12/2015 List # 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 97 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 131 132 134 135 136 137 138 165 179 183 184 185 189 190 191 192 194 195 196 197 198 199 204 in a manila envelope
Sealed Items: ☐
Maricopa County Superior Court order resulting from Rule 32 proceedings (In a Manila Envelope)
- 22-Jan-2016 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None Sent with e-Record
- 28-Jan-2016 FILED: Notice of Change of Address (Appellant Pro Per)
- 8-Feb-2016 FILED: Motion for Extension of Time to File Transcripts (Kristi Week)
- 8-Feb-2016 FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)

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8. 8-Feb-2016 ORDERED: Motion for Extension of Time to File Transcripts (Kristi Week) = GRANTED. Due Dates EXTENDED to 03/09/2016 for Transcripts dated 08/12/2015, 08/13/2015, 08/17/2015, 08/18/2015, 08/19/2015, 08/20/2015, 08/24/2015, 08/25/2015, 08/26/2015, 08/27/2015, 09/01/2015, 09/02/2015, 09/08/2015, 12/11/2015 or OSC 03/16/16. Hon Samuel A Thumma - Author (VACATED per order dated 02/12/16)
9. 8-Feb-2016 ORDERED: Court Reporter Kristi Week transcripts dated 08/12/15, 08/13/15, 08/17/15, 08/18/15, 08/19/15, 08/20/15, 08/24/15, 08/25/15, 08/26/15, 08/27/15, 09/01/15, 09/08/15, 12/11/15 due 03/09/16. Hon Samuel A Thumma - Author
10. 8-Feb-2016 ORDERED: Ken Crenshaw transcripts dated 06/01/15, 08/27/15, 09/02/15 due 03/09/16. Hon Samuel A Thumma - Author
11. 8-Feb-2016 ORDERED: Court Reporter Tara Kramer transcript dated 05/26/15 due 03/09/16. Hon Samuel A Thumma - Author
12. 8-Feb-2016 ORDERED: Court Reporter Kristen Brown transcript dated 04/17/15 due 03/09/16. Hon Samuel A Thumma - Author
13. 8-Feb-2016 ORDERED: Court Reporter Jovanna Roman transcripts dated 12/12/14, 01/09/15, 02/23/15 due 03/09/16. Hon Samuel A Thumma - Author
14. 10-Feb-2016 FILED: Reporters Transcript - 12/12/2014 - (Jovanna Roman)
15. 10-Feb-2016 FILED: Reporters Transcript - 01/09/2015 - (Jovanna Roman)
16. 10-Feb-2016 FILED: Reporters Transcript - 02/23/2015 - (Jovanna Roman)
17. 11-Feb-2016 FILED: Reporters Transcript - 04/17/2015 - (Kristen Brown)
18. 12-Feb-2016 ORDERED: Vacating Order dated 02/08/16 granting Kristi Week's extension of time and Order to Show Cause Hearing dated 03/16/16. Hon Samuel A Thumma - Author
19. 22-Feb-2016 FILED: Reporters Transcript - 05/26/2015 - (Tara Kramer)
20. 7-Mar-2016 FILED: Reporters Transcript - 06/01/2015 - (Janice Penfield)
21. 7-Mar-2016 FILED: Reporters Transcript - 08/27/2015 - (Janice Penfield)
22. 7-Mar-2016 FILED: Reporters Transcript - 09/02/2015 - (Janice Penfield)
23. 9-Mar-2016 FILED: Motion for Extension of Time to File Transcripts (Kristi Week)
24. 10-Mar-2016 ORDERED: Motion for Extension of Time to File Transcripts (Kristi Week) = GRANTED. Due Dates EXTENDED to 04/11/2016 for Transcripts dated 08/12/2015, 08/13/2015, 08/17/2015, 08/18/2015, 08/19/2015, 08/20/2015, 08/24/2015, 08/25/2015, 08/26/2015, 08/27/2015, 09/01/2015, 09/08/2015, 12/11/2015 or OSC 04/20/16. Hon Samuel A Thumma - Author
25. 29-Mar-2016 FILED: Reporter's Transcript - 08/13/15 - Trial (Kristi Week)
26. 29-Mar-2016 FILED: Reporter's Transcript - 08/18/15 - Trial (Kristi Week)
27. 29-Mar-2016 FILED: Reporter's Transcript - 09/08/15 - Trial (Kristi Week)
28. 29-Mar-2016 FILED: Reporter's Transcript - 12/11/15 - Sentencing (Kristi Week)
29. 11-Apr-2016 FILED: Request for Extension (Court Reporter Kristi K. Week)
30. 12-Apr-2016 FILED: Reporter's Transcripts - 08/12/2015 - Jury Trial (Kristi Week)
31. 12-Apr-2016 FILED: Reporter's Transcripts - 08/17/2015 - Jury Trial (Kristi Week)
32. 12-Apr-2016 FILED: Motion to Stay; Certificate of Service (Appellant)
33. 14-Apr-2016 FILED: Reporter's Transcripts - 08/27/2015 - Jury Trial - (Kristi Week)
34. 14-Apr-2016 FILED: Reporter's Transcripts - 08/20/2015 - Jury Trial - (Kristi Week)

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| 35. | 14-Apr-2016 | ORDERED: Request for Extension (Court Reporter Kristi K. Week) = GRANTED/Due Dates EXTENDED to 05/11/2016 for Transcripts dated 08/19/2015, 08/20/2015, 08/24/2015, 08/25/2015, 08/26/2015, 08/27/2015, 09/01/2015 or sanctions of \$75.00 per day beginning 05/12/2016 and OSC 05/18/2016. Hon Samuel A Thumma - Author |
| 36. | 15-Apr-2016 | FILED: Reporter's Transcript - 8/26/15 - Trial (Kristi Week) |
| 37. | 20-Apr-2016 | FILED: Reporter's Transcripts - 08/24/2015 - Jury Trial (Kristi Week) |
| 38. | 20-Apr-2016 | FILED: Reporter's Transcript - 08/25/2015 - Jury Trial (Kristi Week) |
| 39. | 20-Apr-2016 | FILED: Reporter's Transcript - 09/01/15 - Jury Trial (Kristi Week) |
| 40. | 20-Apr-2016 | FILED: Reporter's Transcript - 08/19/15 - Jury Trial (Kristi Week) |
| 41. | 20-Apr-2016 | ORDERED: Motion to Stay (Appellant) = GRANTED/Staying this appeal to/including 06/16/2016. Appeal will be automatically reinstated 06/17/2016. FURTHER ORDERED: Maricopa County Superior Court order resulting from Rule 32 proceedings due within five days of entry. Anthony Mackey ProTem Judge - Author |
| 42. | 21-Apr-2016 | FILED: Additional Record on Appeal
Maricopa County Superior Court order resulting from Rule 32 proceedings (In a Manila Envelope) |
| 43. | 22-Jun-2016 | FILED: Notice of Completion of Record |
| 44. | 15-Jul-2016 | FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant) |
| 45. | 20-Jul-2016 | FILED: Notice of Appearance; Certificate of Service (Appellant) |
| 46. | 21-Jul-2016 | ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED/Appointing attorney Colin F Stearns as attorney for appellant. FURTHER ORDERED: Maricopa County Public Defender forward to new counsel all files, records, transcripts. FURTHER ORDERED: Motion to Extend Opening Brief Due Date = GRANTED/Due date EXTENDED from Monday, 08-08-2016 to Friday, 09-02-2016. Anthony Mackey ProTem Judge - Author |
| 47. | 16-Sep-2016 | ORDERED: Opening Brief due 10/17/2016 or OSC set on 10/19/2016 (Attorney Colin F Stearns). Anthony Mackey ProTem Judge - Author |
| 48. | 21-Sep-2016 | FILED: Notice of Substitution of Counsel; Certificate of Counsel (Appellee) |
| 49. | 17-Oct-2016 | FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant) |
| 50. | 24-Oct-2016 | FILED: Notice of Appearance; Certificate of Service (Appellee) |
| 51. | 6-Dec-2016 | ORDERED: Answering brief due date EXTENDED from Monday, 12-05-2016 to Wednesday, 01-04-2017. Fred Cole ProTem Judge - Author |